

SENATE BILL NO. 265

INTRODUCED BY LARSON, BERGREN, GOLIE, HARRINGTON, JACOBSON, KEANE, KITZENBERG,
LANGE, LINDEEN, TROPILA, VILLA, WILSON

A BILL FOR AN ACT ENTITLED: "AN ACT ~~REVISING~~ CLARIFYING LAWS RELATING TO ELECTRICIANS;
REVISING THE MEMBERSHIP OF THE STATE ELECTRICAL BOARD; ~~CLARIFYING THE LICENSING~~
~~REQUIREMENTS FOR ELECTRICIANS~~; CLARIFYING THE USE OF THE TITLE OF AN ELECTRICIAN;
INCREASING CIVIL FINES FOR FAILING TO DISPLAY A LICENSE OR PROOF OF LICENSURE;
~~PROHIBITING THE INSTALLATION OF NONMETALLIC SHEATHED CABLE IN COMMERCIAL BUILDINGS~~;
AUTHORIZING LICENSE AND ENDORSEMENT DISCIPLINARY MEASURES; ~~REQUIRING MARKING OF~~
~~ELECTRICAL CONTRACTOR VEHICLES~~; CLARIFYING; REQUIRING THAT INSTALLATION OF CERTAIN
ELECTRICAL EQUIPMENT MEET OR EXCEED THE ELECTRICAL CODE ADOPTED BY THE DEPARTMENT
OF LABOR AND INDUSTRY; ~~CLARIFYING~~ REQUIRING THAT AN ELECTRICIAN MUST BE LICENSED BY
THE DEPARTMENT IN ORDER TO INSTALL CERTAIN ELECTRICAL EQUIPMENT; AMENDING SECTIONS
2-15-1764, ~~37-68-301~~, 37-68-302, AND 37-68-316, ~~AND 50-60-607~~; MCA; AND PROVIDING AN EFFECTIVE
DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-15-1764, MCA, is amended to read:

"2-15-1764. State electrical board. (1) There is a state electrical board.

(2) The board consists of five members appointed by the governor with the consent of the senate, who
~~shall must~~ be residents of this state. ~~Two members~~ One member ~~TWO MEMBERS~~ of the board shall represent the
public. ~~Two~~ Four ~~TWO~~ members of the board ~~shall must~~ be licensed electricians. ~~One member shall be a master~~
~~There may not be more than two members at any one time who are~~ ONE MEMBER MUST BE A MASTER licensed
electrical ~~contractor~~ contractors ~~CONTRACTOR~~ AND MAY BE THE ONLY LICENSED ELECTRICAL CONTRACTOR ON THE
BOARD.

(3) The members of the board shall serve for a term of 5 years with their terms of office so arranged
that one term expires on July 1 of each year.

(4) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121."

1
2 ~~Section 2. Section 37-68-301, MCA, is amended to read:~~

3 ~~"37-68-301. License required to engage in electrical work. (1) A person may not engage in or work~~
4 ~~at the business, trade, or calling of electrical contractor, residential electrician, journeyman electrician, or master~~
5 ~~electrician, or electrician in this state until the person has received from the department a license or permit to~~
6 ~~work as an electrical contractor, residential electrician, journeyman electrician, or master electrician, or~~
7 ~~electrician.~~

8 ~~(2) A person who has received a license from the department under the provisions of this chapter shall~~
9 ~~carry the license, or proof of licensure, at all times while working at a job site and performing work that requires~~
10 ~~a license. Acceptable proof of licensure must be determined by the board and made known to each licensee by~~
11 ~~the department when a license is issued.~~

12 ~~(3) A private or public employment agency or labor union, or an employee thereof of a private or public~~
13 ~~employment agency or labor union, who refers persons for employment by others may not refer a person for~~
14 ~~employment by others to perform the work of an electrical contractor, residential electrician, journeyman~~
15 ~~electrician, or master electrician, or electrician in this state unless the person has received from the department~~
16 ~~a license or permit to work as an electrical contractor, residential electrician, journeyman electrician, or master~~
17 ~~electrician, or electrician."~~

18
19 **Section 2.** Section 37-68-302, MCA, is amended to read:

20 **"37-68-302. Unauthorized use of title.** ~~No~~ A person, firm, partnership, corporation, or association ~~shall~~
21 ~~may not~~ assume or use the title or designation of licensed master electrician, master electrician, licensed
22 journeyman electrician, journeyman electrician, licensed residential electrician, ~~or~~ residential electrician, licensed
23 electrician, or electrician unless qualified and licensed under this chapter."

24
25 **Section 3.** Section 37-68-316, MCA, is amended to read:

26 **"37-68-316. Citation and fine for failure to display license.** (1) A citation for failure to display an
27 electrician's license or proof of licensure issued by an employee of the department must include:

- 28 (a) the time and date on which the citation is issued;
29 (b) the name, address, mailing address, and signature of the person to whom the citation is issued;
30 (c) reference to the statutory authority to issue the citation;

(d) the name, title, affiliation, and signature of the person issuing the citation;

(e) information explaining the procedure for the person to follow in order to pay the fine or to demonstrate proof of licensure; and

(f) the amount of the applicable fine.

(2) The applicable civil fines for failing to display a license or proof of licensure are as follows:

(a) ~~\$400~~ ~~\$500~~ \$250 for the first offense;

(b) ~~\$250~~ ~~\$1,000~~ \$500 for the second offense; and

(c) ~~\$500~~ ~~\$1,500~~ \$750 for the third and any subsequent offense.

(3) Each day of violation constitutes a separate offense. The person issuing the citation is responsible for determining, by means of an up-to-date list or through telephone or other communication with the board office, whether the citation being issued is for a first, second, or subsequent offense.

(4) The person who issues the citation is authorized to collect the fine, but the person who is issued a citation may pay the fine to the appropriate authority identified on the citation within 5 business days of the date of issuance. The board may, upon finding that the person has demonstrated acceptable proof of licensure, waive or refund the fine.

(5) A person who refuses to sign and accept a citation commits a misdemeanor, punishable in the same manner as provided in 37-1-318."

~~Section 5. Section 50-60-607, MCA, is amended to read:~~

~~"50-60-607. Energizing electrical installation without permit -- prohibited wiring -- misdemeanor.~~

~~(1) Any person, partnership, company, firm, association, or corporation, other than a power supplier, that energizes an electrical installation under this part for which an electrical permit has not been issued by the department of labor and industry or a county, city, or town certified to enforce the electrical code pursuant to 50-60-302 is guilty of a misdemeanor.~~

~~(2) A person, partnership, company, firm, association, corporation, or other legal entity that installs nonmetallic sheathed cable in a commercial building unless the installation is necessary for providing temporary power during construction of the building is guilty of a misdemeanor. For purposes of this section, "commercial building" does not mean an individual or multiple residential living complex consisting of less than five living units in a single structure.~~

~~(3) The offenses in this section are absolute liability offenses as provided in 45-2-104."~~

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2 **NEW SECTION. Section 4. License and endorsement disciplinary measures.** (1) The board may
3 revoke, suspend, restrict, censure, or apply any other disciplinary measures contemplated by 37-1-136 to any
4 occupational licensee or endorsee under this chapter for any one or more of the following causes:

5 (a) performance of electrical work in the electrical field that is below the standards established by the
6 department pursuant to 50-60-603;

7 (b) inadequate supervision that causes or allows electrical work in the electrical field that is below the
8 standards established by the department pursuant to 50-60-603;

9 (c) material deceit in procuring, attempting to procure, or aiding and abetting the procurement of an
10 occupational license to practice in the electrical field;

11 (d) unfitness to provide services in the electrical field by reason of negligence or addiction to the use of
12 habit-forming drugs;

13 (e) physical or mental incompetence that impairs the licensee's or endorsee's ability to deliver adequate
14 service in the electrical field;

15 (f) willful or repeated violation of this chapter or rules adopted under this chapter or willful repeated
16 violation of Title 50, chapter 60, part 6, or rules adopted under that part; or

17 (g) unprofessional practice-related conduct as defined by rules adopted by the board.

18 (2) A licensee or endorsee disciplinary action under the jurisdiction of the board must be conducted as
19 a contested case under the provisions of the Montana Administrative Procedure Act.

20
21 ~~—— **NEW SECTION. Section 7. Marking of electrical contractor vehicles.** A vehicle used by an electrical~~
22 ~~contractor while performing electrical work for which an electrical contractor's license is required must have the~~
23 ~~electrical contractor's license number in contrasting color with characters at least 3 inches high and 1/2 inches~~
24 ~~in width affixed to each side of the vehicle. This identification must be a sign with magnetic attachment or~~
25 ~~adhesive letters or must be permanently painted on the vehicle.~~

26
27 **NEW SECTION. Section 5. Installation of certain electrical equipment.** (1) Installation of electrical
28 equipment must meet or exceed the requirements of the electrical code adopted by the department pursuant
29 to 50-60-603.

30 (2) Except for installations of electrical equipment that are exempted under 37-68-103 and 50-60-602,

1 electrical equipment must be installed by an electrician licensed by the department. For purposes of this section,
2 installation of electrical equipment includes installing, altering, repairing, or removing the wiring of electrical
3 apparatus equipment, conductors, or raceways. DEMOLITION, IF WIRING IS NOT TO BE REUSED, IS NOT REMOVAL.

4
5 NEW SECTION. Section 6. Codification instruction. [Sections ~~6 through 8~~ 4 AND 5] are intended to
6 be codified as an integral part of Title 37, chapter 68, and the provisions of Title 37, chapter 68, apply to [sections
7 ~~6 through 8~~ 4 AND 5].

8
9 NEW SECTION. Section 7. Effective date -- APPLICABILITY. [This act] is effective July 1, 2005, AND THE
10 AMENDMENTS TO 2-15-1764 APPLY TO APPOINTMENTS MADE TO FILL VACANCIES ON THE STATE ELECTRICAL BOARD ON
11 OR AFTER [THE EFFECTIVE DATE OF THIS ACT].

12 - END -